S.B.Criminal Misc. Petition No. 405/2006
(Rajendra Surana Vs. Smt. Ganga)

Date of order : 03.07.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. A.K.Acharya for the petitioner.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 13.12.2005 passed by Judge, Family Court, Udaipur (for short the 'family court' hereinafter) in Criminal Case No.266/2003 whereby the family court enhanced the maintenance from Rs.500/- per month to Rs. 1500/- per month on an application filed by non-petitioner under Section 127 Cr.P.C. Aggrieved by the order impugned, the petitioner has filed the instant misc. petition.

I have heard learned counsel for the petitioner. Perused the order impugned.

The non-petitioner Smt. Ganga filed an application under Section 125 Cr.P.C. On that application, the family court awarded maintenance at the rate of Rs.500/- per month in her favour and against the petitioner w.e.f. 22.8.2000. With the

change in the circumstances, increase in the income of the petitioner and increase in the market inflation, the non-petitioner filed an application u/s 127 Cr.P.C. for revising and enhancing the maintenance. The family court, on proper appreciation of the evidence, came to the conclusion that a sum of Rs.1500/- per month is a reasonable maintenance. Keeping in view the evidence produced by the parties, in my view, the conclusion arrived at by the family court cannot be said to be erroneous or perverse. It cannot be said that the order impugned would result in manifest injustice or abuse of process of the Court warranting interference under the inherent powers under Section 482 Cr.P.C.

The criminal misc. petition is accordingly dismissed.

(H.R.PANWAR), J.

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